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REFER TO:  
MINUTES 6/12/70  
PAGE 761

ORDINANCE NO. 1970-M-16

AN ORDINANCE AMENDING CHAPTER 25,  
SECTIONS 25.1001 THROUGH 25.1006  
OF THE MUNICIPAL CODE OF THE  
CITY OF ST. CHARLES, ILLINOIS PERTAINING TO SOLICITORS

WHEREAS, complaints have been received by the Police Department and the members of the Governing body of this Municipality from occupants of residences and dwelling units, about persons who have gained, or sought to gain, admittance to their residences for the purpose of soliciting, or, on the pretext of soliciting, and have by their conduct made nuisances of themselves by disturbing and annoying the occupants, or by their acts and conduct have violated the rights of the occupants to the quiet and peaceful enjoyment and security of their homes; and in some cases persons have apparently sought admittance to a residence as a solicitor for the purpose of gaining information for some illegal purpose or to commit an illegal act; and

WHEREAS, the corporate authorities deem it necessary to invoke the Police powers for the protection of the residents of this Municipality against such occurrences, and for that purpose to provide regulations which will tend to prevent them; and

WHEREAS, the City Council of the City of St. Charles, Illinois declares that the regulations established by this Ordinance are necessary for the safety, comfort, good order and welfare of the residents of this Municipality who desire the protection of the enforcement of the regulations established by this Ordinance by and through their cooperation.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, ILLINOIS as follows:

That Chapter 25, Sections 25.1001 through 25.1006 of the Municipal Code of the City of St. Charles, Illinois are hereby amended and supplemented to read as follows:

SECTION 25.1001 DEFINITIONS.

That for the purpose of this Article, the following words as used herein shall be construed to have the meaning herein ascribed thereto, to-wit:

"Soliciting" Shall mean and include any one or more of the following activities:

Seeking to obtain orders for the purchase of goods, wares, merchandise, foodstuffs, services, of any kind, character or description whatever, for any kind of consideration whatever, or

Seeking to obtain prospective customers for application or purchase of insurance of any type, kind or character; or

Seeking to obtain subscriptions to books, magazines, periodicals, newspapers and every other type or kind of publication; or

Seeking to obtain gifts or contributions of money, clothing or any other valuable thing for the support or benefit of any charitable or non-profit association, organization, corporation, or project.

"Residence" Shall mean and include every separate living unit occupied for residential purposes by one or more persons, contained within any type of building or structure;

"Registered Solicitor" Shall mean and include any person who has obtained a valid Certificate of Registration as herein-after provided, and which Certificate is in the possession of the solicitor on his or her person while engaged in soliciting.

SECTION 25.1002 CERTIFICATE OF REGISTRATION.

Every person desiring to engage in soliciting as herein defined from persons in residences within this Municipality, is hereby required to make written application for a Certificate of Registration as hereinafter provided.

SECTION 25.1003 APPLICATION FOR CERTIFICATE OF REGISTRATION.

Application for a Certificate of Registration shall be made upon a form provided by the Chief of Police of this Municipality and filed with such Chief. The applicant shall truthfully state in full the information requested on the application, to-wit:

- (a) Name and address of present place of residence and length of residence at such address; also business address if other than residence address; also Social Security number;
- (b) Address of place of residence during the past three years if other than present address;
- (c) Age of applicant and marital status; and if married the name of spouse;
- (d) Physical description of the applicant;
- (e) Name and address of the person, firm or corporation or association whom the applicant is employed by or represents; and the length of time of such employment or representation;
- (f) Name and address of employer during the past three years if other than present employer;
- (g) Description sufficient for identification of the subject matter of the soliciting which the applicant will engage in;
- (h) Period of time for which the Certificate is applied for;
- (i) The date, or approximate date, of the latest previous application for Certificate under this Ordinance, if any;
- (j) Has a Certificate of Registration issued to the applicant under this Ordinance ever been revoked;
- (k) Has the applicant ever been convicted of a violation of any of the provisions of this Ordinance, or the Ordinance of any other Illinois Municipality regulating soliciting;
- (l) Has the applicant ever been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States;
- (m) Also such additional information as the Chief of Police may deem necessary to process the application.

All statements made by the applicant upon the application or in connection therewith shall be under oath.

The Chief of Police shall require every applicant to submit to finger printing by the Police Department of this Municipality in connection with the application for Certificate.

The Chief of Police shall cause to be kept in his office an accurate record of every application received and acted upon together with all other information and data pertaining thereto and all Certificates of Registration issued under the provisions of this Ordinance, and of the denial of applications. Applications for Certificates, shall be numbered in consecutive order as filed, and every Certificate issued, and any renewal thereof, shall be identified with the duplicate number of the application upon which it was issued.

No Certificate of Registration shall be issued to any person who has been convicted of the commission of a felony under the laws of the State of Illinois or any other State or Federal law of the United States, within five years of the date of the application; nor to any person who has been convicted of a violation of any of the provisions of this Ordinance, nor to any person whose Certificate of Registration issued hereunder has previously been revoked as herein provided.

SECTION 25.1004 ISSUANCE AND REVOCATION OF CERTIFICATE.

The Chief of Police, after consideration of the application and all information obtained relative thereto, shall deny the application if the applicant does not possess the qualifications for such Certificate of Registration herein required, and that the issuance of a Certificate of Registration to the applicant would not be in accord with the intent and purpose of this Ordinance. Endorsement shall be made by the Chief of Police upon the application of the denial of the application. When the applicant is found to be fully qualified, the Certificate of Registration shall be issued forthwith.

Any Certificate of Registration issued hereunder shall be revoked by the Chief of Police if the holder of the Certificate is convicted of a violation of any of the provisions of this Ordinance, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a Certificate of Registration under the terms of this Ordinance. Immediately upon such revocation written notice thereof shall be given by the Chief of Police to the holder of the Certificate in person or by certified U. S. mail addressed to his or her residence address set forth in the application.

Immediately upon the giving of such notice the Certificate of Registration shall become null and void.

The Certificate of Registration shall state the expiration date thereof.

SECTION 25.1005 CITY POLICY ON SOLICITING.

It is hereby declared to be the policy of the governing body of this Municipality that the occupant or occupants of the residences in this Municipality shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residence. If no determination is made as is provided in Section 25.1006, hereof, then in that event, registration is not required.

SECTION 25.1006 NOTICE REGULATING SOLICITING.

Every person desiring to secure the protection intended to be provided by the regulations pertaining to soliciting contained in this Ordinance, shall comply with the following directions, to-wit:

Notice of the determination by the occupant of giving invitation to solicitors, or the refusal of invitation to solicitors, to any residence, shall be given in the manner following:

A weatherproof card, approximately three inches by four inches in size, shall be exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"ONLY SOLICITORS REGISTERED IN  
THE CITY OF ST. CHARLES, ILLINOIS INVITED"

OR

"NO SOLICITORS INVITED"

The letters shall be at least one-third inch in height. For the purpose of uniformity the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

Such card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereof.

SECTION 24.1007 DUTY OF SOLICITORS.

It shall be the duty of every solicitor upon going onto any premises in the Municipality upon which a residence as herein defined is located to first examine the Notice provided for in Section 25.1006 of this Ordinance, if any is attached, and be governed by the statement contained on the notice. If the notice states "ONLY SOLICITORS REGISTERED IN THE CITY OF ST. CHARLES, ILLINOIS INVITED", then the solicitor not possessing a valid Certificate of Registration as herein provided shall immediately and peacefully depart from the premises; and if the notice states "NO SOLICITORS INVITED", then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

Any solicitor, who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.

SECTION 25.1008 UNINVITED SOLICITING PROHIBITED.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, in defiance of the notice exhibited at the residence in accordance with the provisions of Section 25.1006 of this Ordinance.

SECTION 25.1009 TIME LIMIT ON SOLICITING.

It is hereby declared to be unlawful and shall constitute a nuisance for any person whether registered under this Ordinance or not, to go upon any premises and ring the door bell upon or near any door, or create any sound in any other manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting as herein defined, prior to 9:00 o'clock A.M. or after 9:00 o'clock P.M. of any week day, or at any time on a Sunday or on a State or National Holiday.

SECTION 25.1010 SEVERANCE CLAUSE.

If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance.

SECTION 25.1011 PENALTY.

Any person violating any of the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than \$500.00 for each offense.

SECTION 25.1012 EFFECTIVE DATE.

This Ordinance shall be in full force and effect, from and after its passage and publication, in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

SECTION 25.1013. CANVASSING.

The provisions of this Ordinance shall not apply to persons authorized by the City Council to canvas or solicit for religious or charitable purposes.

AYES: 8

NAYS: —

ABSENT: Wagon, Uv Vynck

PRESENTED to the City Council of the City of St. Charles,  
Illinois this 15<sup>TH</sup> day of JUNE, 1970.

PASSED by the City Council of the City of St. Charles,  
Illinois this 15<sup>TH</sup> day of JUNE, 1970.

APPROVED by me as Mayor of the City of St. Charles,  
Illinois this 15<sup>TH</sup> day of JUNE, 1970.

  
MAYOR

ATTEST:   
CITY CLERK